

# WINGATE RUSSOTTI SHAPIRO MOSES & HALPERIN LLP

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November 5, 2021

**Via Electronic Filing**

Hon. Ronnie Abrams  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 1506  
New York, New York 10007

**Re: Pauline Leung v. Starbucks Corporation**  
**Case No.: 20 Civ. 7440 (RA)**

Dear Judge Abrams:

We represent plaintiff, Pauline Leung in the above matter and write to you jointly with defendant's counsel with regard to the depositions of three former employees of Starbucks who have been served with subpoenas to give testimony in this matter.

Plaintiff served subpoenas on Vaughn Simmons, Jofran Mendoza and Any Alcantera. Mr. Simmons and Mr. Mendoza were working at Starbucks on the date and at the time of plaintiff's accident. Upon information and belief, Ms. Alcantera was a supervisor at the location where the accident occurred and last worked the day prior to plaintiff's accident.

Vaughn Simmons and Jofran Mendoza were served with subpoenas on provide testimony on June 25, 2021. In response to the subpoena, Mr. Mendoza contacted my office and agreed to testify on July 19, 2021. As a result of technical difficulties, the deposition could not be conducted and the witness agreed to appear on August 10, 2021. Despite our attempts to confirm the deposition by phone and email, the witness did not appear. He was served with a second subpoena to give testimony on October 14, 2021. He did not contact my office in response to the subpoena and never appeared.

Mr. Simmons was served with subpoenas to provide testimony on June 25, 2021 and October 14, 2021. He has not appeared to give testimony.

Ms. Alcantera was served with a subpoena to provide testimony on October 22, 2021. She did not appear and to date, we have not heard from the witness.

I write to schedule a pre-motion conference to seek the Court's guidance to compel Vaughn Simmons, Jofran Mendoza and Any Alcantera to appear for non-party witness depositions in this matter. I have spoke with Mr. Tompkins, who represents the defendants, and he has no objection to plaintiff's request.

Thank you for considering this request.

Respectfully yours,

Wingate Russotti Shapiro Moses & Halperin, LLP

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Application granted. The parties shall appear for a conference on November 12, 2021 at 11:30 a.m. This conference will be held via telephone. The parties shall use the following dial-in information to call in to the conference:  
Call-in Number: (888) 363-4749; Access Code: 1015508.  
This conference line is open to the public.

SO ORDERED.



Hon. Ronnie Abrams  
11/8/2021